

Remarks:

Reexamination and reconsideration of the rejections are hereby requested.

Claims 1, 3 and 4 are pending in the application. Claims 1 and 4 stand rejected under 35 U.S.C. § 112, first paragraph, as not being enabling for the language “shortening and extending the selected time.” In response Applicant has taken the Examiner’s suggestion and has amended the claim by replacing “and” with “or.” It is submitted that these amendments overcome the 35 U.S.C. § 112, first paragraph, rejection.

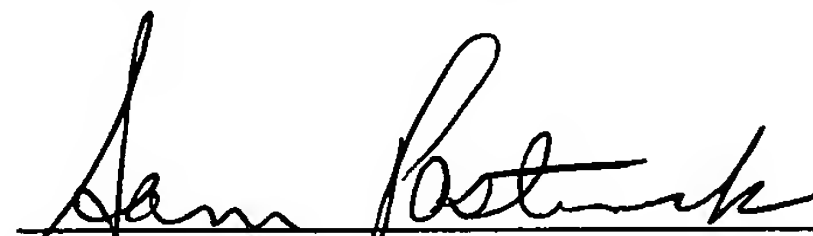
Claims 1, 2, and 4 also stand rejected under 35 U.S.C. § 103(a) as being unpatentable under U.S. Patent No. 3,115,834 to Schwartz, et al. in view of U.S. Patent No. 6,014,932 to Mardirossian. The Schwartz reference teaches a mine that includes a timing mechanism for arming the mine after a first time period and for disarming (sterilizing) the mine after a second time period. For example, Schwartz suggested that the mine might be armed seventeen days after the mine has been planted and “sterilized” at the completion of a sixty-five day period “as the case may be.” There is absolutely no teaching or suggestion in Schwartz that the first or second time periods can be altered after they have been set. Further, the Schwartz patent teaches away from such mode of operation. The Examiner’s attention is directed to Schwartz at column 8 beginning at line 66 in which it is stated that the winding cycle of operation is repeated “until the mine has been exploded by a passing vessel or sterilized at the completion of a sixty-five day period, as the case may be.” At column 9 beginning at line 26 Schwartz again described the disarming of the mine at the completion of the sixty-five day period. Again there is no teaching or suggestion of the ability to alter that predetermined period of time. In

contrast, the presently claimed invention explicitly includes means for shortening or extending the selected time with the capability of doing so both before and after the selected time has elapsed. Such capability is entirely lacking in Schwartz.

The Examiner has combined Schwartz with Mardirossian. As explained in the response to the previous Office Action, Mardirossian does not provide a preselected time at all. Rather the explosive device of Mardirossian can be armed or disarmed remotely but an affirmative action must be taken because there is not a preselected time at which disarming would take place automatically.

For the foregoing reasons, it is submitted that the pending claims are in condition for allowance and early favorable action is requested.

Respectfully Submitted,


Sam Pasternack, Reg. No. 29,576

PATENT GROUP
CHOATE, HALL & STEWART
53 State Street, Exchange Place
Boston, MA 02109
Telephone: (617) 248-5000
Facsimile: (617) 248-4000

Date: August 20, 2004